

**FAMILY COURT MEETING**  
**Minutes - February 7, 2005**

**JUDGES PRESENT:** Angela Jewell, Nan Nash, Ernesto Romero

**STAFF PRESENT:** Kaydee Culbertson, Alisa Hadfield, James Loughren, Reed Shepherd

**A. SPECIAL RECOGNITION**

Judge Ernesto Romero presented a plaque to Kim Schavey for her dedication to the Court and community on Family law issues.

**B. RULE CHANGES**

**1. Changes to Rule 1-053.1 and 1-053.2 NMRA**

Judge Nash stated these rules apply to Special Commissioners and Hearing Officers. Rule 1-053.1 is pending before the Supreme Court and Rule 1-053.2 is still in the Civil Rules Committee. The revisions provide that a hearing will be held on any objections to the Commissioner or Hearing Officer recommendation within twenty days.

**2. Proposed Disclosure Rule 1-123**

Judge Nash stated this is still before the Civil Rules Committee.

**3. Pro-proposed Amendment to Parenting Plan Form 4A-313**

Judge Nash stated this amendment will add mandatory language to include dental and health insurance in the pro-se parenting plan form.

**C. LEGISLATION**

Judge Nash informed the group there is currently lots of legislation pending which could impact DM and DV cases. Hearing Officer Jim Loughren stated HB 162/SB 195 provides that CSED will not calculate nor collect interest on child support arrears. It has cleared the House and is going to the Senate Judiciary. If adopted, this Bill would be more work for the Judiciary, attorney's and private litigant's.

Mr. Loughren stated that a revised Uniformed Interstate Family Support Act may be introduced and members of the Bar are encouraged to help look it over.

Judge Nash stated there are a number of DV bills pending, i.e. alternate addresses for DV victims through the Secretary of State, removing the presumption for joint custody in cases of proven DV, and Minors and Orders of Protection. Judge Nash stated the Court is watching these Bills to see what impact they would make on the Court as well as making

sure the language is consistent.

#### **D. FAMILY COURT RETREAT**

Judge Nash stated that a retreat is scheduled for Family Court Judges and Hearing Officer's on March 15<sup>th</sup>. The Judges will meet in the morning and the Hearing Officer's will join them in the afternoon. Judge Nash invited members of the Bar to send any comments, concerns, etc. to David Levin. Mr. Levin will then group the information and submit to the Judges for discussion at the retreat. Mr. Levin stated all items should be emailed to him by March 11<sup>th</sup> at [albddpl@nmcourts.com](mailto:albddpl@nmcourts.com). Mr. Levin also asked the members of the Bar to be sure and indicate whether they would like their name on or removed from their comments.

Judge Nash asked if anyone had read last months minutes on the Courts' website. Judge Nash stated she will continue to post the minutes every month.

#### **E. NEW ISSUES**

##### **1. Vacating Hearings**

Kaydee Culbertson, Child Support Hearing Officer, stated all paperwork to vacate a hearing set before a Hearing Officer should be submitted to the Hearing Officer and not the Judge's office. Counsel should review the rules pertaining to vacating hearings and to follow the rules. If the rules are not followed, the hearing will not be vacated. Hearing Officer Culbertson further stated that even when an Order has been submitted, members of the Bar need to confirm the case has actually been vacated, unless they have received an order vacating the hearing.. Judge Nash also requested that members of the Bar notify Court Clinic when a case is settled and the parties will not need their mediation or advisory consultation.

##### **2. Change of Venue**

Ms. Belinda Demaree inquired if it was possible for the Clerks' office to send out notice when a Change of Venue case is received and opened. After brief discussion, Georgia Sedillo stated she prefers members of the Bar call her office for this information. Ms. Sedillo stated that our case sometimes has not been opened because the entire file has not been forwarded as required. The DR Division can confirm the status when a phone inquiry is made.

##### **3. Notice of Hearing**

Judge Ernesto Romero stated that a new Request for Hearing, Civil Rules form 4-110, was adopted in August 2003. Judge Romero will require that all Request for Hearings filed in his office are on the new form. The new form has a place for time requested by plaintiff and defendant. Judge Romero stated if members of the Bar cooperate and fill in this information, hearings could be set accordingly and matters will not have to be brought

back. Judge Romero asked members of the Bar to please start using the new form. A member of the Bar questioned what they should do if opposing party will not supply his or her time requirements. Judge Romero stated after two requests to the opposing party, the lack of response should be noted on the request and the request submitted. The other judges will accept Form 4-110 but will not require it.

Judge Nash stated that any form approved by the Supreme Court is acceptable for use. If members of the Bar run into any problems submitting Supreme Court approved forms, please bring the matter to her attention.

A member of the Bar stated on Civil Rules for 4-111 it does not include a line for what matter is to be heard. Judge Nash stated she will take this issue up at the Civil Rules Committee. Judge Nash stated in the meantime members of the Bar could make their own line and add the information.

#### **4. Settlement Facilitator Pool**

David Levin stated he will be setting up a time in the Spring to discuss the Court's Settlement Facilitation pool. Mr. Levin stated there are currently 205 DM facilitators in the pool. Some facilitators only get "freebie" cases during settlement week. The Court needs to determine how the pool will be maintained and how new applicants will be admitted. At this time the pool is frozen. Court Alternatives is soliciting input on how the pool could be more efficient.

Judge Nash raised the issue that some facilitators, appointed by the Court, are not getting paid. Judge Nash suggested that Judges will not sign off on final paper work until facilitator(s) has been paid. Judge Nash also suggested facilitators get payment up-front.

#### **NON-AGENDA ITEMS**

Judge Nash reminded members of the Bar that termination and relinquishment cases are not heard by Family Court but rather should be filed in Children's Court.

Judge Nash stated Legal Briefs in support of Motions do not need Judges approval prior to filing, but must comply with the rules of civil procedure.

Judge Nash distributed a Alimony Survey form and stated that the Alimony Guidelines Committee has reconvened, with members from around the State. to look at the alimony guidelines. Members of the Bar should complete the survey for any case they settle or try which involves an award of alimony/spousal support.

Judge Ernesto Romero stated he will be checking post judgement motions and requiring parties to participate in mediation prior to receiving a hearing date, if they included an agreement in their MSA or parenting plan..

Kim Schavey indicated that anyone wanting information on the GAL Bill should contact

her and would be included on the list for updates.

Linda Ellison asked for ideas for the Family Law Institute that is scheduled in October and will be held at the State Bar. Topics should be submitted to [lle@atkinsonkelsey.com](mailto:lle@atkinsonkelsey.com). Linda stated the Board would be meeting soon to please let them know.

Judge Nash stated it was good to see such a large turn out and if anyone had agenda issues to please contact her office.

Judge Nash informed those present that Dr. Lou Kodi would be retiring at the end of the month. Judge Nash stated that Dr. Kodi had been with the Court almost twenty years. Judge Nash thanked Dr. Kodi and stated she would be missed. Judge Nash stated there would be a retirement reception for Dr. Kodi and Kate Palmo on February 25<sup>th</sup> from 2:00 p.m. to 4:00 p.m. in the 4<sup>th</sup> Floor Atrium.

The meeting adjourned at 12:52 p.m.

Respectfully submitted by:  
Sharon Cross, Administrative Assistant  
Court Administration